IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 37039 of 2007(H)

PETITIONERS:

1. **N.KOMALAM, W/O. RAVEENDRAN,**
   PART TIME SWEEPER,
   KANIYAMBETTA VILLAGE OFFICE,
   WAYANAD DISTRICT.

2. **M.C.SUMANGALA, W/O.MADHAVAN,**
   PART TIME SWEEPER,
   PADINJARATHARA VILLAGE OFFICE,
   WAYANAD DISTRICT.

3. **BINDU.A.R., W/O.C.P.SHAJI,**
   PART TIME SWEEPER,
   VILLAGE OFFICE, MUTTIL, WAYANAD DISTRICT.

4. **KAMALA KUMAR, W/O.KUMAR,**
   PART TIME SWEEPER,
   VILLAGE OFFICE, KAVUMANNAM, WAYANAD DISTRICT.

5. **P.SOBHA, W/O.RAMACHANDRAN,**
   PART TIME SWEEPER, VILLAGE OFFICE, KOTTAPADI,
   WAYANAD DISTRICT.

6. **SHALINI RAJAN, W/O.RAJAN,**
   PART TIME SWEEPER,
   MUTTIL SOUTH VILLAGE, WAYANAD DISTRICT.

7. **VALSALA.K., W/O.SADASIVAN,**
   PART TIME SWEEPER, VILLAGE OFFICE,
   VELLARIMALA, WAYANAD DISTRICT.

8. **C.P.MUHAMMED, S/O.MOIDUNNI,**
   PART TIME SWEEPER, VILLAGE OFFICE,
   VENGAPPALLY, WAYANAD DISTRICT.

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WPC.NO.37039/2007 H

9. K.S.AYYAPPAN, S/O.SANKARAN,
PART TIME SWEEPER, VILLAGE OFFICE,
KOTTATHARA, WAYANAD DISTRICT.

10. V.SOOPY,
PART TIME SWEEPER, KUNNATHIDAVAKA VILLAGE OFFICE,
WAYANAD DISTRICT.

11. K.B.SURESHKUMAR, S/O.KUNHIRAMAN,
PART TIME SWEEPER,
THRIKAIPETTA VILLAGE OFFICE,
WAYANAD DISTRICT.

12. PATHUMMA, D/O.ALI,
PART TIME SWEEPER,
NOOLPUZHA VILLAGE OFFICE,
WAYANAD DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, WAYANAD,
OFFICE OF THE DISTRICT COLLECTOR,
KALPETTA, WAYANAD.

2. THE TAHSILDAR,
SULTHAN BATHERY TALUK,
WAYANAD DISTRICT.

3. THE TAHSILDAR,
VYTHIRI TALUK,
WAYANAD DISTRICT.

4. STATE OF KERALA, REP.BY SECRETARY TO
GOVERNMENT (REVENUE DEPARTMENT),
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 37039 of 2007

Dated this the 18th December, 2007

J U D G M E N T

Petitioners claim to be as Casual Sweepers working in the Village Offices in Vaithiri Taluk. They refer to Exhibit-P1 series Sweeping Area Certificates which show that the sweeping area is in excess of 100 Sq.mtrs. According to them, they were earlier being paid wages at the rate of Rs.600/-per month. Later it was increased to attain a parity with the contingent staff. But now on the basis of Exhibit-P3 Government Circular, there is an attempt to confine the benefit of Clause 11 of G.O (P) 501/05/Fin. dated 25.11.2005 to cases where the post of Part-time Sweeper is already sanctioned in any office and the incumbent continues in service. Petitioners apprehend reduction of their wages on enforcement of Exhibit-P3. Hence the writ petition.

2. G. O (P) No.501/05/Fin. dated 25.11.2005 deals with creation of a post of contingent sweeper and also for protection of wages of casual and contingent employees who have been working in Government offices for the period prior to 6/10/2003 (The said date has been adopted as cut off date in several other

cases; refer to **Mercy Vs. State of Kerala** [2004 (2) KLT 848] in this regard) . The head of the office where the casual sweeper is engaged should forward a proposal for creation of a post of Part-time Sweeper,if sweeping area is in excess of 100 sq.mtrs. If the sweeping area certificate is accepted by the Government, it shall sanction one post of Part-time Sweeper and the incumbent shall be accommodated in the said post. If sweeping area on re-assessment is found to be less than 100 sq.mtrs, the incumbent will nevertheless be entitled to protection of wages. This is the gist of Clause 11 of G. O (P) No.501/2005/Fin. dated 25.11.2005 as has been understood and declared in W.P. (C) No.13828 of 2007 and connected cases.

3. The said declaration will apply to the case of the petitioners in this case also. Petitioners are entitled to protection of wages being drawn by them at present provided they were in service prior to 6/10/2003. Exhibit P3 will have to be understood and enforced subject to G.O (P) 501/2005/Fin. Dated 25.11.2005.

In the circumstances, after hearing the learned government pleader also, this writ petition is disposed of directing

respondents 2 and 3 to forward a proposal for regularisation of services of the petitioners, if it is not already forwarded to the 4th respondent, within one month from the date of receipt of a copy of this judgment. On receipt of the same, the 4th respondent shall take an appropriate decision thereon, in the light of G.O.(P) 501/2005/Fin. Dated 25.11.2005 and pass orders, within three months thereafter, after hearing the petitioners. Till such orders are passed by the 4th respondent, there shall not be any reduction of wages being drawn by the petitioner as on date. The entitlement of further wages will depend upon the orders to be passed by the Government, in this regard.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007